

## **DENTAL BOARD OF CALIFORNIA INITIAL STATEMENT OF REASONS**

**Hearing Date:** January 27, 2006

**Subject Matter of Proposed Regulations:** Inclusion of the Western Regional Examining Board examination as a pathway to dental licensure

**Section(s) Affected:** Amend Sections 1021, 1028, 1034, and add Section 1034.1

**Specific Purpose of each adoption, amendment, or repeal:**

The purpose of these proposed regulatory modifications is to update the Board's existing licensure and fee regulations as specified in the Administrative Procedure Act, (Section 11349.1 of the Government Code, and Title 1, Section 16 of the California Code of Regulations) to implement SB 1865, (Chapter 670, Statutes of 2004) on September 21, 2004. This legislation expanded existing law by providing candidates an additional avenue for becoming a California licensed dentist through the examination process. Current regulations specify that candidates must take and pass the Board's written and clinical examinations. SB 1865 provides that applicants seeking a California dental license may qualify for licensure by passing **either** the California written and clinical examinations **or** the Western Regional Examining Board (WREB) clinical examination as part of the licensing process. WREB is a private agency that provides clinical examinations for dentists, and is recognized in 32 other states. An individual who passes the WREB examination can obtain a license to practice dentistry in any or all of the 32 states that recognize the examination, upon completion of the state's individual requirements.

**Section 1021-** Dentists. This Section specifies the fees that individuals and entities must pay to cover board costs for application, examination, licensure, and permit programs.

**Section 1021(a)-**This Section specifies the fee applicants pay for board costs for the initial examination application review and processing; and cites the board's statutory authority for the application review. This Section implements the provisions specified in SB 1865 (codified at Business and Professions Code section 1632) allowing the Board to review and process applications for licensure from those candidates who have passed the WREB examination.

**Section 1021(d)-**This Section establishes the fee to cover board costs for the actual administration of the California written and clinical examinations and re-examinations, and adds the board's statutory authority to accept the WREB examination.

**Section 1021(e)-**This Section specifies the fee to cover board costs for candidates taking only the California Law and Ethics examination or reexamination; and adds the board's statutory authority to accept the WREB examination.

Section 1021 (f & g)- Re-numbers and updates current regulatory language.

Section 1021(h)- Establishes the initial licensure fee for dentists to cover the board's ongoing costs for administration and enforcement of the Dental Practice Act. This fee is pro-rated based upon the month of the licensee's birthday. Also removes obsolete language.

Section 1021(i)- Establishes the biennial renewal fee for dentists to cover the board's ongoing costs for administration and enforcement of the Dental Practice Act, and removes obsolete language.

Sections 1021 (l-w)- Removes obsolete regulatory language and re-numbers sections.

Section 1028- Application for Licensure. This Section specifies the information that is required for application for dental licensure. Current language does not specify what information is to be collected.

Section 1028(a)(b)- (b) would be deleted to combine and simplify current language.

Section 1028(a)(1)- This change updates current language.

Section 1028(a)(2)- This changes clarifies that applicants must meet all applicable requirements contained in Section 1628 of the Code not just the requirement that the applicant has graduated from a dental school approved by the board.

Section 1028(a)(3)- Allows for the collection of fingerprint processing fees and use of a Live Scan form.

Section 1028(a)(4)- This Section modifies the language to ensure that all other dental practice and licensure reporting is obtained.

Section 1028(a)(5)- This Section exempts applicants qualifying through the WREB process from submitting evidence of liability insurance, since those applicants will not be required to take a clinical examination. It also specifies the subsection of the regulatory requirement.

Section 1028(a)(6)- This Section adds language specifying each item of personal information required. The social security number is required pursuant to Section 30 of the Business and Professions Code. Other identifying information is necessary to ensure the identity of the applicant and enable to the Board to contact applicants in the event of a problem with the application.

Section 1028(a)(7)- This Section adds language that allows the applicant to indicate a preferred location from the examination sites available.

Section 1028(a)(8)- This Section adds language allowing the applicant to request any special accommodations needed pursuant to the Americans with Disabilities Act.

Section 1028(a)(9)- This Section adds language to collect information regarding the applicant's dental education to ensure qualifications are met.

Section 1028(a)(10)- This Section adds language to specify that the dean of the qualifying dental school must certify the applicant's date of graduation.

Section 1028(a)(11)- This Section adds language to require an applicant to disclose any pending or prior charges filed against a dental license or other healing arts license, and the particulars.

Section 1028(a)(12)- This Section adds language to require an applicant to disclose any pending or past disciplinary actions taken against a dental license.

Section 1028(a)(13)- This Section adds language to require an applicant disclose any pending investigation by any governmental entity.

Section 1028(a)(14)- This Section adds language to require an applicant to disclose any instances in which the applicant was denied a license, denied permission to practice dentistry or denied permission to take a dental board examination, and the particulars.

Section 1028(a)(15)- This Section adds language to require an applicant to disclose any instance in which the applicant surrendered any dental license held in another state or country, and the particulars.

Section 1028(a)(16)- This Section adds language to require an applicant disclose any convictions, infractions, misdemeanors and felonies, and specifies the information that must be disclosed.

Section 1028(a)(17)- This Section adds language to require an applicant disclose any default on certain specific loans.

Section 1028(a)(18)- This Section adds language to collect additional information as necessary from applicants to determine qualifications for licensure.

Section 1028(a)(19)- This Section adds language to require that the applicant certify that the information provided is true and correct.

Section 1028(d)- This Section modifies language to eliminate reference to processing times and to specify that after successful completion of the WREB examination, an applicant must submit evidence of such, in addition to complying with all other application requirements.

Section 1034- Grading of Examinations Administered by the Board. Language is

added to this Section to specify that the Section applies to applicants qualifying for the clinical and written examinations given by the board (as opposed to the examinations administered by WREB), and to cite the statutory authority.

Section 1034(a)- The language modifies “which” to “that” for clarity.

Section 1034(c)- Current language precludes the Board from making allowances in grading where justification exists. This Section is modified to clarify gender references, and to allow the Board discretion, where circumstances warrant, to permit reconsideration of a given score.

Section 1034(d)- This Section is modified to clarify gender references.

Section 1034.1-Passing Score of Examination Administered by the Western Regional Board (WREB) (Section 1632 (c)(2) of the Code). This Section specifies that the board accepts a passing score as determined by the Western Regional Examining Board as specified in the statute.

### **Factual Basis**

The current regulations do not reflect the new Statutory changes mandated by SB 1865. In addition, these modifications and additions will provide a higher level of clarity and specificity to existing regulations by listing information currently collected on the application and citing the regulatory or statutory authority.

### **Underlying Data**

Senate Bill 1865-Chapter 670, Stats. 2004

Review of the Western Regional Examining Board’s Examination, prepared by the Office of Examination Resources-Department of Consumer Affairs, September 30, 2005

### **Business Impact**

☒ This regulation will not have a significant adverse economic impact on businesses.

☐ Description of alternatives which would lessen any significant adverse impact on business:

### **Specific Technologies or Equipment**

☒ This regulation does not mandate the use of specific technologies or

equipment.

\_\_\_\_\_ This regulation mandates the use of specific technologies or equipment. Such mandates or prescriptive standards are required for the following reasons:

**Consideration of Alternatives**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the board would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.